

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,
ex rel. JAMES DOGHRAMJI,
SHERRE COOK, and RACHEL
BRYANT,

Plaintiffs,

v.

COMMUNITY HEALTH SYSTEMS,
INC., *et al.*,

Defendants.

CIVIL CASE NO.:
3:11CV00442

CHIEF JUDGE SHARP/
MAGISTRATE JUDGE GRIFFIN

THE UNITED STATES OF AMERICA
and THE STATE OF TEXAS, *ex rel.*
AMY COOK-RESKA,

Plaintiffs,

v.

COMMUNITY HEALTH SYSTEMS,
INC., *et al.*,

Defendants.

CIVIL CASE NO.:
3:14CV02160

CHIEF JUDGE SHARP/
MAGISTRATE JUDGE GRIFFIN

THE UNITED STATES OF AMERICA,
ex rel. KATHLEEN A. BRYANT,

Plaintiffs,

v.

COMMUNITY HEALTH SYSTEMS,
INC., *et al.*,

Defendants.

CIVIL CASE NO.:
3:14CV02195

CHIEF JUDGE SHARP/
MAGISTRATE JUDGE GRIFFIN

THE UNITED STATES OF AMERICA,
ex rel. NANCY REUILLE,

Plaintiffs,

v.

COMMUNITY HEALTH SYSTEMS,
PROFESSIONAL SERVICES,
CORP., *et al.*,

Defendants.

CIVIL CASE NO.:
3:15CV00110

CHIEF JUDGE SHARP/
MAGISTRATE JUDGE GRIFFIN

DEFENDANTS' AMENDED MOTION TO CONSOLIDATE ACTIONS
PURSUANT TO FED. R. CIV. P. 42

Pending before this Court is Defendants' motion to consolidate three related actions to facilitate fair, efficient and consistent adjudication of a common dispositive issue. *United States ex rel. Doghramji, et al. v. Community Health Sys., Inc., et al.*, No. 3:11-cv-00442 ("Doghramji"), Dkt. 123; *United States ex rel. Cook-Reska v. Community Health Sys., Inc., et al.*, No. 3:14-cv-02160 ("Cook-Reska"), Dkt. 114; *United States ex rel. Bryant v. Community Health Sys., Inc., et al.*, No. 3:14-cv-02195 ("Bryant"), Dkt. 53. Defendants hereby request that *United States ex. rel. Reuille v. Community Health Sys. Professional Servs., Corp., et al.*, No. 3:15-cv-00110 ("Reuille"), a case newly transferred to this district, also be consolidated with the *Doghramji*, *Cook-Reska*, and *Bryant* actions.

On January 26, 2015, the U.S. District Court for the Northern District of Indiana granted Defendants' unopposed motion to transfer the claim for attorneys' fees and expenses in *Reuille* to this Court. *Reuille*, No. 09-cv-0007 (N.D. Ind. Jan. 26, 2015), Dkt. 70. Like the *Doghramji*, *Cook-Reska*, and *Bryant* actions, *Reuille* also involves a claim for attorneys' fees and costs purportedly based on allegations that Community Health Systems, Inc. ("CHSI")-affiliated hospitals engaged in improper Emergency Department ("ED") admissions in violation of the

civil False Claims Act (“national ED claim”). Because the False Claims Act permits only one relator to recover for an FCA claim, *see* 31 U.S.C. § 3730(d), the determination of the attorneys’ fees petition in each of these actions hinges on the same issue—whether the relator seeking fees qualifies as the “first to file” under the FCA. *Doghramji*, No. 3:11-cv-00442, Dkt. 123; *Cook-Reska*, No. 3:14-cv-02160, Dkt. 114; *Bryant*, No. 3:14-cv-02195, Dkt. 53. As the district courts in *Cook-Reska*, *Bryant*, and *Reuille* recognized in transferring these actions to this jurisdiction, the interests of judicial efficiency and fairness are plainly furthered by consolidating all of the relators seeking attorneys’ fees based on the national ED claim, so that a first-to-file determination regarding entitlement to attorneys’ fees can be made in a single proceeding with all the relevant claimants participating.

Accordingly, Defendants request that *Reuille* be consolidated along with *Doghramji*, *Cook-Reska*, and *Bryant*.¹

¹ Defendants have also moved to transfer another related qui tam action where relator Bryan Carnithan intends to seek attorneys’ fees based on the national ED claim. *See Carnithan*, No. 3:11-cv-00312 (S.D. Ill.), Dkt. 51. Defendants also request that *Carnithan* be consolidated with these other actions if it is transferred to this jurisdiction.

Dated: February 5, 2015

Respectfully submitted,

/s/ William M. Outhier

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following via the Court's ECF filing system:

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on this the 5th day of February, 2015.

/s/ William M. Outhier